

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 OSCAR ART STANLEY,  
4 Plaintiff,  
5 v.  
6 STATE OF NEVADA, et al.,  
7 Defendants.

Case No.: 2:22-cv-01130-APG-BNW

**DISTRICT COURT'S RESPONSE TO  
NINTH CIRCUIT'S REFERRAL  
NOTICE**

8 The Ninth Circuit Court of Appeals has referred to me the question whether Mr.  
9 Stanley's in forma pauperis status should continue for his appeal or whether the appeal is  
10 frivolous or taken in bad faith. The appeal appears to me to be frivolous because the defendants  
11 are immune from suit and Stanley's claims are barred by *Heck v. Humphrey*, 512 U.S. 477  
12 (1994). Whether that is a sufficient basis to revoke in forma pauperis status under of 18 U.S.C.  
13 § 1915(a)(3), I leave to the court of appeals to decide. *Cf. Hooker v. American Airlines*, 302 F.3d  
14 1091 (9th Cir. 2002).

15 This response is directed to the Ninth Circuit under Federal Rule of Appellate Procedure  
16 24(a)(3)(A). The clerk of court shall serve this response upon the parties and the Ninth Circuit.

17 DATED THIS 14th day of December, 2022.

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20 UNITED STATES DISTRICT JUDGE  
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